

1  
2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK  
4 Case No.: 1:16-cv-09528 (AJN) (DCF)

5 -----x  
6 LISA SNEAD,

7  
8 Plaintiff,

9 - against -

10 CITY OF NEW YORK; Police Officer GREGORY  
11 LoBIANCO, Shield No. 31307; and JOHN and  
12 JANE DOE 1 through 10,

13 Defendants.  
14 -----x

15 December 4, 2017  
16 10:34 a.m.

17 VIDEO-RECORDED DEPOSITION of the  
18 Defendant GREGORY LoBIANCO, taken by the  
19 Plaintiff, pursuant to Notice, held at the  
20 offices of Harvis & Fett, LLP, 305  
21 Broadway, New York, New York, before Abner  
22 D. Berzon, a Registered Professional  
23 Reporter, Certified Realtime Reporter and  
24 Notary Public of the State of New York.  
25

1 LoBIANCO

2 street?

3 A. I don't recall.

4 Q. Okay. So it's possible that, in  
5 addition to there being four lanes of  
6 traffic, there was also her friend between  
7 you and Lisa Snead?

8 MR. SARPONG: Objection to the  
9 form. You can answer.

10 A. It is possible.

11 Q. Okay. Did you have any doubt  
12 when you made that observation from the  
13 westbound roadway that Ms. Snead had an  
14 alcoholic beverage in her hand?

15 A. No.

16 Q. You were certain of it?

17 A. Yes.

18 Q. Okay. And did you know at that  
19 time -- oh, did you see her drinking from  
20 the can?

21 A. I did not.

22 Q. Okay. Do you know whether or  
23 not it's required that you see someone  
24 consume alcohol before you charge them  
25 with consumption of alcohol?

1 LoBIANCO

2 Q. So did Lisa Snead intend to  
3 consume the contents of that can?

4 A. I am not sure.

5 Q. And do you know -- before you  
6 signed this, did you read it?

7 A. I did.

8 Q. Okay. And you -- and when you  
9 signed this, you were signing it under the  
10 penalty of perjury; correct?

11 A. Correct.

12 Q. You see where it says that you  
13 observed -- first line, the factual basis  
14 for the charges, says that you observed  
15 Lisa Snead drinking from an open can?

16 A. I do.

17 Q. Okay. That's not true; right?

18 MR. SARPONG: Objection to the  
19 form.

20 A. No, I had not seen her drinking  
21 from the can.

22 Q. Why did you sign something under  
23 penalty of perjury saying that you had  
24 seen her drinking it when you didn't?

25 A. I'm not sure.

1 LoBIANCO

2 Q. Did you tell the DA about that?

3 A. I did.

4 Q. And when you got this and it  
5 didn't say that, did you contact the DA  
6 and ask them to add that in?

7 A. I did not.

8 Q. Okay. And about the part about  
9 her drinking from the can, when you read  
10 that and you -- because you knew at the  
11 time that that wasn't true; right?

12 MR. SARPONG: Objection to the  
13 form.

14 A. I don't recall.

15 Q. Well, do you recall calling the  
16 ADA and saying that "We got to change this  
17 because I didn't see her drinking"?

18 A. I don't.

19 Q. Okay. You would have made a  
20 note in your memo book; right, about that?

21 MR. SARPONG: Objection to the  
22 form.

23 A. I do not think I would have made  
24 a note in my memo book about that.

25 Q. Okay. Well, were there any